



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU
and
The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.4575 of 2019
IN
CRL A(MD) No.64 of 2018

MANI @ MANIMARAN

... PETITIONER/APPELLANT

Vs

THE STATE OF TAMIL NADU,
REPRESENTED BY ITS,
THE INSPECTOR OF POLICE
SILAIMAN CIRCLE, SILAIMAN POLICE STATION,
MADURAI (CR.NO.181/2005)

... RESPONDENT/RESPONDENT

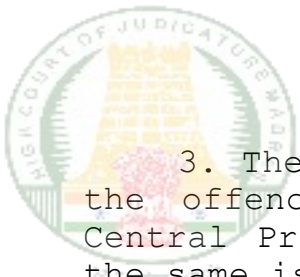
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to directing the respondents to release the appellant/ Mani @ Manimaran S/o.Rasu Servai (CP 5723) on parole for the period of 3 days who confined at Madurai Central Prison to participate the baby shower to his brother Saravana daughter Sangeetha pending disposal of the Crl.A(MD)No.64 of 2018 on the file of this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.VENKATESAN, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by **M.DHANDAPANI, J.**]

This Petition has been filed seeking a direction to the respondents to release the petitioner, who confined at Madurai Central Prison, on parole for a period of three days, in order to participate in the baby shower ceremony of his brother's daughter viz., Sangeetha.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.



3. The petitioner is a convicted prisoner, who is convicted for the offence under Section 302 r/w 149 I.P.C., and confined at Central Prison, Madurai. He filed an appeal before this Court and the same is pending.

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4. The learned Counsel appearing for the petitioner submitted that the baby shower ceremony of the daughter of the petitioner's elder brother is scheduled to be conducted on 18.05.2019, for which, the presence of the petitioner is very much essential. Hence, the petitioner has approached this Court seeking the relief as stated above. Though the learned Counsel sought three days parole for the petitioner, now he restricted the same to one day i.e., on 18.05.2019.

5. The learned Additional Public Prosecutor submitted that when the Criminal Appeal is pending, no parole petition can be entertained as per the Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982 and hence, the petitioner is not entitled to release on parole, unless if an extraordinary situation arises and in this case, no such extraordinary situation has been arisen for releasing the petitioner on parole and hence, he vehemently opposed this petition.

6. Per contra, the learned Counsel appearing for the petitioner submitted that even as per Rule 20(vii) of the Tamil Nadu Suspension of Sentence Rules, 1982, considering the extraordinary circumstances, this Court has got power to grant parole for one day for attending the baby shower ceremony of his brother's daughter and also considering the fact that the petitioner is the only person, who has to take care for conducting the ceremony.

7. Considering the facts and circumstances of the case, we are of the view that the petitioner may be given parole for one day. Accordingly, the Superintendent of Prisons, Madurai Central Prison, Madurai District is directed to release the prisoner, namely, Mani @ Manimaran, S/o Rasu Servai(CP 5723) now confined at Madurai Central Prison for attending the baby shower ceremony of his brother's daughter viz., Sangeetha on temporary release/leave/parole, for a period of one day from 10.00a.m to 05.00 p.m., on 18.05.2019, on condition that the said Mani @ Manimaran, S/o Rasu Servai(CP 5723) shall report back to the Superintendent of Prisons, Madurai Central Prison, Madurai District, by 06.00 p.m., on 18.05.2019. Necessary escort will be provided to accompany the said Mani @ Manimaran, S/o Rasu Servai(CP 5723) free of cost. During parole, the prisoner shall abide by all the conditions prescribed in the Jail Manual. It is also made clear that the prisoner under the guise of this temporary release/leave/parole shall not misuse the liberty. This order has been passed only considering the extraordinary circumstances arisen in this case and this order will not be made as a precedent to any other case.



8. This Criminal Miscellaneous Petition is ordered accordingly.

sd/-
15/05/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI

2. THE INSPECTOR OF POLICE
SILAIMAN CIRCLE,
SILAIMAN POLICE STATION,
MADURAI

3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.R. VENKATESAN Advocate SR.No.8322

ORDER
IN
CRL MP (MD) No.4575 of 2019
IN
CRL A (MD) No.64 of 2018
Date : 15/05/2019

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PK/JC/SAR-2/16.05.2019 : 3P/6C